



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/372,049	08/11/1999	YASUHIKO MURAMOTO	Q54007	9986

7590 06/23/2003
SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 200373202

EXAMINER

MITCHELL, MONICA J

ART UNIT PAPER NUMBER

2622

DATE MAILED: 06/23/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/372,049

Applicant(s)

MURAMOTO, YASUHIKO

Examiner

Monica J. Mitchell

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2622

DETAILED ACTION

1. This action is responsive to the following communications: amendment received March 20, 2003.
2. This application has been reconsidered. Claims 1-16 are pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 7 is objected to because of the following informalities: change the word "o" to "of". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hower Jr. et al (U.S. Patent 5,467,434).

Regarding claim 1, Hower discloses a color converting apparatus comprising: merging means (Figure 2, reference element 37; "combination examiner"), for merging

Art Unit: 2622

printing condition color converting means (Figure 4, column 4, lines 2-27) and output condition color converting means (column 5 lines 10-21); and a storage area (Figure 2, reference element 37) for storing to-be-merged printing condition color converting means (column 4, lines 52-55; inherently taught that combination examiner to be storage area because user input information has to be saved in or to be combined with stored printer profile); said merging means comprising means for, when a desired printing condition color converting means is moved into said storage area (column 4, lines 52-55), merging the moved desired printing condition color converting means with said output condition color converting means into a merged color converting means (column 4, lines 49-61 and column 4, line 66 to column 5, line 10; the "electronic documents are being merged with "corresponding combination of print job selection" meaning the desired printing condition color converting means was combined with the output condition color means before they were merged with they were combined with the electronic document).

Regarding claim 2, Hower discloses a color converting apparatus further comprising an input unit (column 3, lines 54-59) and a display unit (Figure 2, reference element 16, "user interface") for displaying unit for displaying an image of the storage area for storing to-be-merged printing condition color converting means (column 4, lines 13-27), said merging means comprising means for, when the desired printing condition color converting means is moved into the displayed image of said storage area (column 4, lines 52-55), merging the moved desired printing condition color converting means

Art Unit: 2622

with said output condition color converting means into the merged color converting means (column 4, lines 49-61 and column 4, line 66 to column 5, line 10).

Regarding claims 3 and 4, Hower discloses a color converting apparatus wherein said merging means comprises means for, when a to-be-merged printing condition color converting means stored in said storage area is modified (column 5, lines 59-66 and column 7, lines 25-55), merging the modified to-be-merged printing condition color converting means with said output condition color converting means into the merged color converting means (column 4, lines 49-61 and column 4, line 66 to column 5, line 10).

Regarding claims 5 and 6, Hower discloses a color converting apparatus wherein said merging means comprises means for, when a to-be-merged printing condition color converting means stored in said storage area is modified (column 9, lines 14-23), merging the modified to-be-merged printing condition color converting means with said output condition color converting means into the merged color converting means (column 4, lines 49-61 and column 4, line 66 to column 5, line 10).

Regarding claim 16, Hower discloses a color converting apparatus comprising: a merged profile including a printing condition profile (Figure 4, column 4, lines 2-27) and output condition profile (column 5 lines 10-21); and a storage area (Figure 2, reference element 37) for storing to-be-merged printing condition profile (column 4, lines 52-55; inherently taught that combination examiner to be storage area because user input information has to be saved in or to be combined with stored printer profile); said merged profile, when a desired printing condition color converting means is moved into

Art Unit: 2622

the storage area (column 4, lines 52-55), merging the moved desired printing condition color converting means with said output condition profile into a merged color converting profile (column 4, lines 49-61 and column 4, line 66 to column 5, line 10; the "electronic documents are being merged with "corresponding combination of print job selection" meaning the desired printing condition color converting means was combined with the output condition color means before they were merged with they were combined with the electronic document).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hower (U.S. Patent Number 5,467,434) further in view of Shimazaki (U.S. Patent Number 6,396,595).

Regarding claims 7-12, Hower fails to disclose a color converting apparatus, wherein said printing condition color converting means comprises means for converting device-dependent input image data to device-independent image data in view of printing conditions, said output condition color converting means comprised means for converting device-independent input image data to device-dependent input image data

Art Unit: 2622

in view of conditions of a proof image outputting apparatus, and said merged color converting means comprises means for converting said device-dependent input image data to device-dependent input image data for said proof image outputting apparatus for confirming the colors of an image to be printed on a print on a print sheet based on said device-dependent input image data with said proof image outputting apparatus before the image is actually printed .

However, Shimazaki discloses a color converting apparatus, wherein said printing condition color converting means comprises means (column 3, lines 40-43 and column 6, lines 1-6) for converting device-dependent input image data to device-independent image data in view of printing conditions (column 6, lines 1-6), said output condition color converting means comprised means for converting device-independent input image data to device-dependent input image data in view of conditions of a proof image outputting apparatus (column 6, lines 13-33 and column 5, lines 59-67), and said merged color converting means comprises means (column 6, lines 25-42; read as "combined conversion table") for converting said device-dependent input image data to device-dependent input image data for said proof image outputting apparatus(Figure 5, reference element 34; read as "output unit") for confirming the colors of an image to be printed on a print on a print sheet based on said device-dependent input image data (column 6, lines 25-52) with said proof image outputting apparatus before the image is actually printed (column 2, line 64 to column 3, line 8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of Shimazaki with the

Art Unit: 2622

teachings of Hower to produce color images based on color image data of four colors C, M, Y, K need to effect a color conversion process on given color image data of C, M, Y, K in order to produce color images which represent the colors of final prints highly accurately.

Allowable Subject Matter

9. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakajima (U.S. Patent Number 6,104,829) teaches an image processing apparatus and an image processing method realize an optimum color reproduction and as a result provide an ideal output by selectively using color processing methods including color gamut compression in accordance with the output method in the apparatus.

Van Hoof et al. (U.S. Patent Number 6,067,406) teaches the output mode of an output device for rendering electronic images on an output medium may be characterized by different user-selectable settings such as: paper-type, ink type, etc.

Art Unit: 2622

Laumeyer et al. (U.S. Patent Number 5,572,632) teaches image data processing using a transformation thereof to device independent, intermediate color space coordinates while avoiding gamut matching determinations during and in subsequently completing transformation of coordinates to being suited to an output device.

Kondo (U.S. Patent Number 6,324,975) teaches the colors of a print as a target are easily and reliably equalized with the colors of a proof generated by a proofer.


Takenoshita et al. (U.S. Patent Number 6,203,220) teaches a printer system responsive to the request of an operator for performing specified control on a specified portion of a medium during a print operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica J. Mitchell whose telephone number is 703-306-3430. The examiner can normally be reached on Mon.-Fri., 7:30 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9313 for regular communications and 703-872-9313 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

mjm
June 16, 2003


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2611